

**REMARKS**

The Office Action mailed December 6, 2004 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

**I. Summary of Claims**

Claims 1-53 are cancelled. Claims 54-101 are currently pending in the application, with claims 54, 67, 71, 81, 88, and 96 being independent claims.

**II. Summary of Rejections**

The following claim rejections were submitted by the Examiner in the outstanding Office Action:

- Claims 1, 2, 11, 12, 14, 15, 23-25, 38, 39, 44, 45, 48, 49, and 53 are rejected under 35 U.S.C. §102(b) as being anticipated by French Patent Number 2 614 510 to Biotteau;
- Claims 1, 2, 11, 12, 14, 15, 23-25, 38, 39, 44, 45, 48, 49, and 53 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,846,063 to Lakic;
- Claims 26, 27, 29, 35-37, 48-51, and 53 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,335,382 to Huang;
- Claims 3-5, 16-18, 26, 27, 35-37, 40-42, 47, 50, and 51 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of either Biotteau or Lakic in view of Huang;
- Claims 30 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of either Biotteau or Lakic in view of Huang and further in view of U.S. Patent Number 6,192, 606 to Pavone;
- Claims 32-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of either Biotteau or Lakic in view of Huang and further in view of French Patent Number 2 670 369 to Niculae;
- Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of either Biotteau or Lakic in view of Huang and further in view of U.S. Patent Number 5,363,570 to Allen;

- Claims 6, 7, 19, and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of either Biotteau or Lakic in view of Pavone; and
- Claims 8-10, 20, 21, and 52 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of either Biotteau or Lakic in view of Niculae; and
- Claims 13, 22, and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of either Biotteau or Lakic in view of Allen.

### **III. The Claims Patentably Distinguish Over The Applied Prior Art**

#### *Discussion of Claims 54-66*

Independent claim 54 recites a fluid system for an article of footwear that includes a first sheet and a second sheet formed from a polymer material. The first sheet and the second sheet are bonded together to define at least one bond. The bond separates a pump chamber and a pressure chamber that extends around at least a portion of the pump chamber and is positioned adjacent the pump chamber. The pump chamber and the pressure chamber are formed as unbonded areas between the first sheet and the second sheet. The bond defines a fluid path extending between the pump chamber and the pressure chamber to place the pump chamber and the pressure chamber in fluid communication.

None of the prior art cited in the Office Action, either along or in combination, teaches or suggests the combination of features recited by independent claim 54. Biotteau, for example, does not disclose a bond that separates the pump chamber and the pressure chamber. In Biotteau, the pump 9 is in fluid communication with various chambers 8a, 8b, and 8c, but it is the foam material of the shoe sole, not a bond, that separates the chambers. Lakic discloses a pump that is separate from a pressure chamber. That is, the pump in Lakic is not separated from the pressure chamber by a bond. Rather, the pump is a separate element that is incorporated into the system (See Figures 6-9 of Lakic, for example). Referring to Huang, the pump 10 may be placed adjacent the pressure chamber 11, but the pump is not separated from the pressure chamber by a bond. Rather, the pump is formed in a separate area of the fluid system, the fluid system is folded such that the pump is placed adjacent the pressure chamber (See Figure 10C).

Based upon the above discussion, the Applicants respectfully submit that independent claim 54 is allowable over the prior art cited in the Office Action. Aspects of the dependent claims also distinguish over the prior art cited in the Office Action. For example, claim 60

recites that a valve includes an inlet that is biased open with at least one weld bead positioned within the inlet. None of the prior art discloses this feature. Accordingly, the Applicants respectfully submit that each of claims 54-66 are allowable.

*Discussion of Claims 67-70 and 81-87*

Independent claim 67 recites a fluid system for an article of footwear that includes a first sheet and a second sheet of a polymer material and a valve. The first sheet and the second sheet are bonded together to define: a pump chamber, a pressure chamber, a fluid path, and an inlet. The pressure chamber has a U-shaped configuration that extends around at least a portion of the pump chamber. The fluid path extends between the pump chamber and the pressure chamber to place the pump chamber and the pressure chamber in fluid communication. The inlet places ambient air in fluid communication with the pump chamber. The valve is positioned between the first sheet and the second sheet and within the fluid path to permit fluid flow from the pump chamber to the pressure chamber and to limit fluid flow from the pressure chamber to the pump chamber. In addition, a bond between the first sheet and the second sheet separates the pump chamber and the pressure chamber and prevents fluid from passing between the pump chamber and the pressure chamber except through the fluid path.

As with independent claim 54, independent claims 67 and 81 recite that a bond between the first sheet and the second sheet separates the pump chamber and the pressure chamber. Accordingly, independent claims 67 and 81 should be allowable for the same reasons. In addition, independent claims 67 and 81 recites that the pressure chamber has a U-shaped configuration that extends around at least a portion of the pump chamber. None of the prior art cited in the Office Action discloses this feature. If, however, chamber 8c of Biotteau should be considered U-shaped, Biotteau still does not disclose the chamber 8c as extending around at least a portion of the pump 9. Furthermore, if a portion of the chamber in Huang is considered to be U-shaped, Huang still does not disclose the chamber as being separated from the pump chamber by a bond.

Based upon the above discussion, the Applicants respectfully submit that independent claims 67 and 81 are allowable over the prior art cited in the Office Action, and that dependent claims 68-70 and 82-87 should be allowable for at least the same reasons.

*Discussion of Claims 71-80*

Independent claim 71 recites a fluid system for an article of footwear that includes a pressure chamber, a pump chamber, a fluid path, and a valve. The pressure chamber has a U-shaped configuration that defines a central area. The pump chamber is at least partially positioned in the central area of the pressure chamber such that the pressure chamber extends at least partially around the pump chamber. The fluid path extends between the pressure chamber and the pump chamber to place the pressure chamber and the pump chamber in fluid communication. The valve is positioned within the fluid path to permit fluid flow from the pump chamber to the pressure chamber and to substantially prevent fluid flow from the pressure chamber to the pump chamber.

None of the prior art cited in the Office Action, either along or in combination, teaches or suggests the combination of features recited by independent claim 71. Even if chamber 8c of Biotteau should be considered U-shaped, Biotteau still does not disclose the chamber 8c as extending at least partially around the pump 9. That is, the pump 9 is separated from the chamber 8c. A similar configuration is disclosed in Huang.

Based upon the above discussion, the Applicants respectfully submit that independent claim 71 is allowable over the prior art cited in the Office Action, and that dependent claims 72-80 should be allowable for at least the same reasons.

*Discussion of Claims 88-95*

Independent claim 88 recites a fluid system for an article of footwear having a pressure chamber, a pump chamber, a fluid path, and a valve. The pressure chamber has a concave area with a concave configuration. The pump chamber is at least partially positioned within the concave area of the pressure chamber such that the pressure chamber extends at least partially around the pump chamber. The fluid path extends between the pressure chamber and the pump chamber to place the pressure chamber and the pump chamber in fluid communication. The valve is positioned within the fluid path to permit fluid flow from the pump chamber to the pressure chamber and to substantially prevent fluid flow from the pressure chamber to the pump chamber. In addition, bonds between a pair of polymer sheets define the pressure chamber, the pump chamber, and the fluid path, and at least one of the bonds extends between the pressure

chamber and the pump chamber to separate fluid in the pressure chamber from fluid in the pump chamber.

None of the prior art cited in the Office Action, either along or in combination, teaches or suggests the combination of features recited by independent claim 88. In Huang, for example, area 10a may be considered concave, but area 10a is not separated from a pump (element 10) by a bond. Similarly, neither Lakic nor Biotteau disclose this combination of features.

Based upon the above discussion, the Applicants respectfully submit that independent claim 88 is allowable over the prior art cited in the Office Action, and that dependent claims 89-95 should be allowable for at least the same reasons.

#### *Discussion of Claims 96-101*

Independent claim 96 recites a fluid system for an article of footwear having a pair of polymer sheets joined together by at least one bond to define a pump chamber, a pressure chamber, and a fluid path extending between the pump chamber and the pressure chamber. The bond extends between the pump chamber and the pressure chamber to separate fluid in the pump chamber from fluid in the pressure chamber. The fluid system also includes a valve positioned in the fluid path to permit fluid flow from the pump chamber to the pressure chamber and to limit fluid flow from the pressure chamber to the pump chamber.

None of the prior art discloses a combination of features that includes (1) a bond that separates fluid in a pump from fluid in a pressure chamber and (2) a valve positioned in a fluid path between the pump and the pressure chamber. Accordingly, the Applicants respectfully submit that independent claim 96 is allowable over the prior art cited in the Office Action, and that dependent claims 97-101 should be allowable for at least the same reasons.

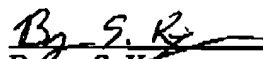
#### **IV. Conclusion**

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being filed by facsimile transmission on June 6, 2005 with a Petition For Extension of Time. Should additional fees be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to

charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

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